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Young Black Men and the Criminal Justice System: A Growing National Problem

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YOUNG BLACK MEN AND THE CRIMINAL JUSTICE SYSTEM: A GROWING NATIONAL PROBLEM

Overview

For close to two decades, the criminal justice system in the United States has been undergoing a tremendous expansion. Beginning in 1973, the number of prisoners, criminal justice personnel, and taxpayer dollars spent has increased dramatically, with new record highs now being reached each year. Between 1973 and 1988, the number of felons in state and federal prisons almost tripled from 204,000 to 603,000.1/ By 1989, the total inmate population in our nation's prisons and jails had passed the one million mark.2/

Record numbers of persons are also being placed under probation or parole supervision.3/ These aspects of the criminal justice system are sometimes overlooked when the problems of prison and jail populations and overcrowding are explored.

The extended reach of the criminal justice system has been far from uniform in its effects upon different segments of the population. Although the number of women prisoners has increased in recent years at a more rapid pace than men, the criminal justice system as a whole still remains overwhelmingly male -- approximately 87 percent. And, as has been true historically, but even more so now, the criminal justice system disproportionately engages minorities and the poor.4/

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1 See Bureau of Justice Statistics, Department of Justice, Correctional Populations in the United States, 1986, and "Prisoners in 1988."

2 See The Sentencing Project, "A Nation of One Million Prisoners," October 1989.

3 In the period 1984-88 alone, the probation population increased 35.4 percent and the parole population 52.8 percent. Bureau of Justice Statistics, "Probation and Parole 1988."

4 In 1983, for example, half of all jail inmates had annual incomes of less than $5,600 prior to their arrest. See Bureau of Justice Statistics, Report to the Nation on Crime and Justice: Second Edition, March 1988, p. 49.

Impact of the Criminal Justice System

This report looks at the impact of the criminal justice system as a whole on the new generation of adults -- those people in the 20-29 age group. In particular, it examines the devastating impact that the criminal justice system has had on the lives of young Black men and Black communities.

This report does not attempt to explain whether or why Blacks are disproportionately involved in the criminal justice system. Other studies have attempted to document whether Black males commit more crimes or different types of crimes than other groups, or whether they are merely treated more harshly for their crimes by the criminal justice system.5/ Instead, this report looks at the end result of that large-scale involvement in the criminal justice system, and highlights the implications this raises for crime control policies.

Using data from the Bureau of Justice Statistics and the Bureau of the Census, we have calculated the rates at which different segments of the 20-29 age group come under the control of the criminal justice system. The analysis looks at the total number of persons in state and federal prisons, jails, probation, and parole, and compares rates of criminal justice control by race, sex, and ethnicity.6/ Because of the unavailability of complete data in some categories of the analysis, the total rates of control should not be considered exact calculations, but rather, close approximations of the numbers of persons in the system. As described in "Methodology," in all cases where data were lacking, conservative assumptions were used in making calculations. (Sufficient data were not available to analyze criminal justice control rates for Native Americans or Asian Americans.)

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5 See, for example, Alfred Blumstein, "On the Racial Disproportionality of United States Prison Populations," Journal of Criminal Law and Criminology, Vol. 73, No. 3, 1982, and Joan Petersilia, Racial Disparities in the Criminal Justice System, The Rand Corporation, June 1983.

6 The analysis begins with the basic definition of "criminal justice control rates" as developed by the National Council on Crime and Delinquency in their research, but excludes juveniles. The NCCD studies, though, (see "Sources") do not attempt to analyze control rates by race, sex, or age.

Our findings, as displayed in Tables 1 and 2, are as follows:

* Almost one in four (23 percent) Black men in the age group 20-29 is either in prison, jail, on probation, or parole on any given day.

* For white men in the age group 20-29, one in 16 (6.2 percent) is under the control of the criminal justice system.

* Hispanic male rates fall between these two groups, with one in 10 (10.4 percent within the criminal justice system on any given day).

* Although the number of women in the criminal justice system is much lower than for men, the racial disproportions are parallel. For women in their twenties, relative rates of criminal justice control are:

  Black women - one in 37 (2.7 percent)
  White women - one in 100 (1 percent)
  Hispanic women - one in 56 (1.8 percent)

* The number of young Black men under the control of the criminal justice system -- 609,690 -- is greater than the total number of Black men of all ages enrolled in college -- 436,000 as of 1986. For white males, the comparable figures are 4,600,000 total in higher education and 1,054,508 ages 20-29 in the criminal justice system.

* Direct criminal justice control costs for these 609,690 Black men are $2.5 billion a year.

* Although crime rates increased by only 2 percent in the period 1979-88, the number of prison inmates doubled during that time.

These findings actually understate the impact of present policies upon Black males ages 20-29. This is because the analysis presented here covers criminal justice control rates for a single day in mid-1989. Since all components of the criminal justice system admit and release persons each day, though, the total number of persons processed through the system in a given year is substantially higher than the single day counts. For this reason, the proportion of young Black men processed by the criminal justice system over the course of a year would be even higher than one in four.

Implications for Social Policy

The findings of this study, particularly those pertaining to young Black men, should be disturbing to all Americans. Whatever the causes of crime -- be they individual or societal -- we now have a situation where one in four Black men of the new adult generation is under the control of the criminal justice system.

The implications of this analysis for social policy both within and outside the criminal justice system are far-reaching:

1. Impact on the life prospects for Black males

The repercussions of these high rates of criminal justice control upon young Black men are greater than their immediate loss of freedom. Few would claim that today's overcrowded corrections systems do much to assist offenders in becoming productive citizens after release. Despite the ideal that offenders can "pay their debt to society," the fact is that most carry the stigma of being ex-offenders for some time to come. Thus, given these escalating rates of control, we risk the possibility of writing off an entire generation of Black men from having the opportunity to lead productive lives in our society.

2. Impact on the Black community

For the Black community in general, nearly one-fourth of its young men are under the control of the criminal justice system at a time when their peers are beginning families, learning constructive life skills, and starting careers. The consequences of this situation for family and community stability will be increasingly debilitating. Unless the criminal justice system can be used to assist more young Black males in pursuing these objectives, any potential positive contributions they can make to the community will be delayed, or lost forever.

A particularly ominous trend further emphasizes this point. At the same time that an increasing proportion of Black males ages 20-29 have come under the control of the criminal justice system, Black male college enrollment fell by 7 percent in the decade from 1976-86.7/ The cumulative effect of these separate measures is that fewer Black males are being prepared to assume leadership roles in their community.

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7 See U.S. Department of Education, Office of Educational Research and Improvement, "Trends in Minority Enrollment in Higher Education, Fall 1976-Fall 1986."

3. Failure of the "get tough" approach to crime control

In many respects, the past decade can be viewed as an "experiment" in the "get tough" approach to crime. Proponents of this policy contend that cracking down on crime through increased arrests, prosecutions, and lengthy sentences will have a deterrent effect on potential lawbreakers. Yet even with a tripling of the prison population since 1973, at tremendous financial cost, victimization rates since that time have declined less than 5 percent.

4. Implications for the "war on drugs"

National drug policy director William Bennett's drug strategy similarly emphasizes a law enforcement approach to a social problem. This approach is likely to result in even higher rates of incarceration for Blacks and Hispanics since drug law enforcement is largely targeted against "crack," more often used by low-income Blacks and Hispanics. As drug offenders make up an increasing share of the prison population, the non-white prison population will become disproportionately larger. In Florida, for example, Blacks inmates now make up 73.3 percent of all drug offenders, compared to 53.6 percent of prison admissions for other offenses.8/

The Bennett proposal to lock up more offenders is hardly a novel one. For more than twenty years, politicians have campaigned on this basic platform. A continued emphasis on law enforcement at the expense of prevention and treatment has little hope of achieving long-term results.

5. Strategies for more effective criminal justice policies and programs

While the reasons why Black men enter into the criminal justice system are complex and need to be addressed with long-term vision, there are immediate opportunities for change through the criminal justice system. The goals of such changes should be to reduce the harm caused by the system and to reduce the likelihood of offenders returning to the system. The outlines of such a strategy are as follows:

* Divert as many youthful, minor and first-time offenders as possible from the criminal justice system entirely. Diversion programs, dispute resolution processes, counseling and other more satisfactory means for modifying

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8 James Austin and Aaron McVey, "The Impact of the War on Drugs," National Council on Crime and Delinquency, December 1989.

offensive behavior could be used more frequently than they are now.

* Reverse the trend to "criminalize" socially undesirable acts and to increase criminal penalties as a means of controlling public behavior. Mandatory and lengthy prison terms add to correctional populations, but do little to reduce crime.

* Jail and prison should be sanctions of last resort for offenders who cannot be diverted from the system. A range of community-based sentencing options exist which are less costly and more effective than incarceration. More could be made available through legislative appropriations. These include:

  - restitution to victims
  - community service
  - intensive probation supervision
  - treatment programs
  - employment and education
  - community corrections programs

* Utilize the sentencing process -- the one point in the system when there is the opportunity to craft a meaningful response to the needs of victims, offenders, and the community -- to counteract the trend toward increasing criminal justice control over Black males. This can be accomplished by individual judges adopting constructive alternatives and by developing true rehabilitative programs designed to reverse current correctional priorities.

6. The need for a broad approach to crime and crime control

The problem of crime is one that can not be solved entirely by the criminal justice system. Even with the most resourceful police, prosecutors, judges, and corrections officials, the criminal justice system is designed to be only a reactive system, not one of prevention.

At the same time that the nation has engaged in a criminal justice control strategy over the past decade, funding to address the conditions that contribute to crime has declined. While the criminal justice system has processed young Black men in great numbers, the official unemployment rate for Black men ages 16-24 remains at 24 percent. (Adding the numbers of persons discouraged from or not "officially" in the labor market would result in a significantly higher figure.) It is time now to "experiment" in crime control by attacking those social factors that many believe provide a more direct link to crime, such as unemployment, poverty, and substance abuse.

Conclusion

The problem of crime is a complex one and will not be resolved overnight. Rather than viewing the solution as hopeless or too long-term, though, there are real and immediate actions which can be taken to prevent the next generation of Black males from further swelling the ranks of correctional populations.

Some of these steps involve a change in priorities and emphasis within the criminal justice system. Programs and policies exist in jurisdictions around the country which offer models of more constructive resolution of criminal justice problems.

Addressing the conditions which lead to crime in the first place is a broad agenda which requires serious thought, attention, and action. The decisions made today, though, in the areas of policy, programs, and funding, will determine whether the criminal justice system exerts as much control over the next generation of Black males as it does for the current generation.

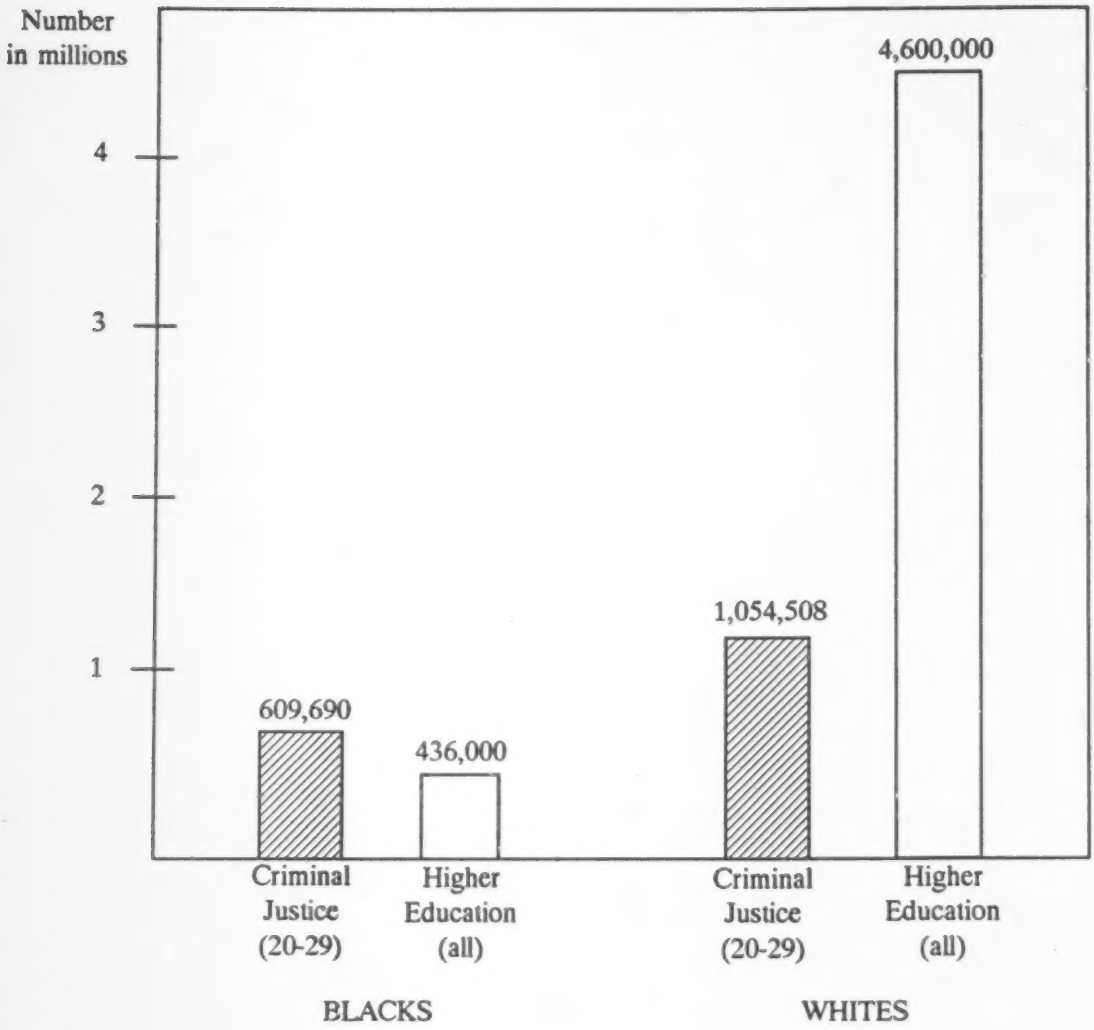
TABLE 1

1989 Criminal Justice Control Rates

Population Group 20 - 29	State Prisons	Jails	Federal Prisons	Probation	Parole	TOTAL	Criminal Justice Control Rate
Males							
White	138,111	94,616	15,203	697,567	109,011	1,054,508	6.2%
Black	138,706	66,188	7,358	305,306	92,132	609,690	23.0%
Hispanic	36,302	24,357	6,155	134,772	36,669	238,255	10.4%
TOTAL						**1,902,453**	**8.4%**
Females							
White	6,320	7,099	944	141,174	8,712	164,249	1.0%
Black	6,072	6,095	665	58,597	6,988	78,417	2.7%
Hispanic	1,509	2,036	488	29,850	3,210	37,093	1.8%
TOTAL						**279,759**	**1.3%**

TABLE 2

Male Participation In Criminal Justice And Higher Education



Methodology

The data on which these calculations are made are taken from reports of the Bureau of Justice Statistics of the Department of Justice, the Bureau of the Census, and the Department of Education. A breakdown of the incarcerated population by age, sex, and race was available for state prison inmates (1986) and jail inmates (1983). Data on sex and race, but not age, were available for federal prisoners, probationers, and parolees (all 1986). Data for the age distribution for state prisoners and jail inmates were used to develop a ratio of the proportion of each group of prisoners (i.e. male and female whites, Blacks, and Hispanics) in the 20-29 age group. These proportions were as follows: White Males - 49.6%; Black Males - 52.4%; Hispanic Males - 51.6%; White Females - 52.7%; Black Females - 52.8%; Hispanic Females - 60.0%.

This ratio was then used to develop estimates by age for federal prisoners, probationers, and parolees. While parolees and federal prisoners are probably older on average than the state prison population, probationers are probably younger. The greater number of probationers would therefore make the overall estimate of the 20-29 age group a conservative one. While some margin of error is inevitable in these estimates, it seems reasonable to assume that it is not of a substantial nature.

Rates of criminal justice control were then developed for all parts of the system for 1986 (except for 1983 figures for jail). These figures were then extrapolated to June 1989, based on the percentage increase for each component of the system. The most recent overall population figures available were: state and federal prisons - June 1989; jails - June 1987; probation and parole - December 1988. Annual growth estimates of 5 percent for probation, 10 percent for parole, and 6 percent for jails, based on trends for the past two years, were used to derive June 1989 population estimates based on the 1987 and 1988 data.

The use of overall population increases results in some additional margin of error in the total population figures. For example, available data appear to indicate that the rate of increase for prisoners for the period 1986-89 has been greater for Blacks, Hispanics, and women than for the population as a whole. Reports also indicate that Blacks make up an increasing share of the total number of drug arrests, a major source of the increasing criminal justice populations. Therefore, the total criminal justice control rate for Black males is probably understated in the calculations.

Cost figures for various components of the criminal justice system are those cited by the Department of Justice in Report to the Nation on Crime and Justice: Second Edition, 1988. Many

observers believe that current cost figures are substantially higher than those presented here. For example, we have used the figure of $11,302 per year for state prisoners in 1984 from the Report. Many current estimates for costs of incarceration are in the range of $15,000-25,000 per year.

Population figures within each category are based on Census Bureau estimates of the U.S. resident population.

As the available data for Hispanics are fairly limited in most instances, these results should be interpreted with caution.

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